

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

VALIANT WHITE,

Plaintiff,

v.

CASE NO. 12-cv-11530
HON. AVERN COHN

MYRON WEATHERS,
KRISTOPHER RICHARDSON,
PHILLIP RODRIGUEZ,
VANNICE WARD, and
MICHAEL BRYANT,

Defendants.

_____ /

**ORDER DENYING LEAVE TO PROCEED
WITHOUT PREPAYMENT OF FEES AND COSTS,
DISMISSING THE COMPLAINT UNDER 28 U.S.C. § 1915(g),
AND DENYING LEAVE TO PROCEED
WITHOUT PREPAYMENT OF THE APPELLATE FEES AND COSTS**

I.

This is a civil rights case under 42 U.S.C. § 1983. Plaintiff is a state prisoner at Brooks Correctional Facility in Muskegon Heights, Michigan. He recently filed a pro se complaint and an application to proceed without prepayment of the fees and costs for this action. For the reason that follows, the financial application is denied and the complaint will be dismissed.

II.

Defendants are police officers for the City of Detroit Police Department. The complaint and attachments allege that, on April 9, 2010, the defendants stopped plaintiff on the Lodge Freeway for speeding and reckless driving. According to plaintiff, the officers pointed their weapons at him, arrested him, and later charged him with reckless

driving.

Plaintiff claims that he did not violate any traffic laws and that the defendants fabricated the traffic stop. Plaintiff further alleges that the defendants committed a fraud on the state court, forged the complaining witness's signature on the felony complaint, provided false information to the prosecutor, and testified falsely against him.

Plaintiff claims that he was acquitted of reckless driving. He seeks \$10,000,000.00 in money damages for false arrest.

III.

Under 28 U.S.C. § 1915(g), a prisoner may not bring a civil action or appeal without prepayment of the filing fee if, on three or more prior occasions while incarcerated or detained, the prisoner brought a federal action that was dismissed as frivolous, as malicious, or for failure to state a claim on which relief may be granted. An exception exists when the prisoner is "under imminent danger of serious physical injury." *Id.*

A search of federal court records reveals that three of plaintiff's prior complaints have been dismissed for failure to state a claim. *See White, et al. v. Sugierski, et al.*, No. 03-72729 (E.D. Mich. Aug. 21, 2003); *White, et al. v. Wayne Cnty. Cir. Court, et al.*, No. 03-74171 (E.D. Mich. May 12, 2004); *White v. Wayne Cnty. Cir. Ct. Clerks*, No. 07-13818 (E.D. Mich. Oct. 23, 2007). Further, nothing in the pending complaint suggests that plaintiff is in imminent danger of serious physical harm. Plaintiff therefore may not proceed without prepayment of the filing fee for this action.

IV.

Accordingly, for the reason given above, the application to proceed without

prepayment of the fees and costs for this action is **DENIED** and the complaint is **DISMISSED** without prejudice for failure to prepay the filing fee. Should plaintiff appeal this decision, he must prepay the appellate filing fee because he is prohibited by § 1915(g) from proceeding without prepayment of the appellate fees and costs.

SO ORDERED.

Dated: May 9, 2012

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to Valiant White, 225440, Earnest C. Brooks Correctional Facility, 2500 S. Sheridan Drive, Muskegon Heights, MI 49444 on this date, May 9, 2012, by electronic and/or ordinary mail.

S/Julie Owens
Case Manager, (313) 234-5160